

PROJECT RAINBOW
SCENARIOSA
(Optimistic Case)B
(Likely Case)C
(Worst Case)Preemption

- Recodification and clarification of "core" preemption (warning and advertising claims filed after enactment of 1966 FCLAA)

Advertising

- Tombstone Advertising only (preserving use of color and effective date 18-24 months after enactment)
- Sports stadia product advertising ban (except for brand-sponsored events)
- Billboard restrictions (i.e., restrict proximity to schools, churches, playgrounds, etc., but no urban density limits)
- Paid product placement ban

Preemption

- Recodification and clarification of "core" preemption (warning and advertising claims filed after enactment of 1966 FCLAA)

Advertising

- Tombstone Advertising only (preserving use of color and effective date 12-18 months after enactment)
OR
Sponsorship ban plus Billboard ban (effective date 12-18 months after enactment)
- Modest counter-advertising program (under \$50 million per year)
- Sports stadia product advertising ban (if no complete sponsorship ban and except, then, for brand-sponsored events)
- Billboard restrictions, i.e., limit number in urban areas and restrict proximity to schools, churches, playgrounds, etc.)
- Paid product placement ban

Preemption

- Recodification and clarification of "core" preemption (warning and advertising claims filed after enactment of 1966 FCLAA)

Advertising

- Complete advertising ban
- Sponsorship ban for sports, entertainment, cultural events
- Paid product placement ban

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PRIVILEGED AND CONFIDENTIAL

A
(Optimistic Case)

Youth

- Vending machine sales ban with exceptions for bars, workplaces
- Sampling ban
- Promotional items ban
- 18-year-old uniform minimum age laws
- Limited licensing scheme for retailers (i.e., not restricting number of retailers)

Warnings

- New warning(s) (specifically to include addiction)
- More prominent warnings (e.g., size, color, format) on packages, ads and billboards
- Application of warning scheme to exports with exception for products already bearing warning required by country to which exported

Ingredients

- Enhanced disclosure of ingredients to HHS and to public with adequate trade secret (brand formula) protection
- Brand-by-brand disclosure of tar, nicotine and carbon monoxide levels to public and HHS
- HHS study of ingredient safety with report to Congress by a date certain

B
(Likely Case)

Youth

- Vending machine sales ban
- Sampling ban
- Promotional items ban
- 19-year-old uniform minimum age laws
- Limited licensing scheme for retailers (i.e., not restricting number of retailers)

Warnings

- New warnings (specifically to include both addiction and ETS)
- More prominent warnings, e.g., size, color, format) on packages, ads and billboards
- Application of warning scheme to exports regardless of requirements by country to which exported

Ingredients

- Enhanced disclosure of ingredients to HHS and to public with adequate trade secret (brand formula) protection
- Brand-by-brand disclosure of tar, nicotine and carbon monoxide levels to public and HHS
- HHS study of ingredient safety with report to Congress by a date certain

C
(Worst Case)

Youth

- Vending machine sales ban
- Sampling ban
- Promotional items ban
- 21-year-old uniform minimum age laws
- Open-ended licensing scheme for retailers (allowing states to limit number of retail outlets)

Warnings

- New warnings (specifically to include both addiction and ETS)
- More prominent warnings (e.g., size, color, format) on packages including front and/or back warnings
- Application of warning scheme to exports regardless of requirements by country to which exported

Ingredients

- Ingredient regulatory scheme (including authority to ban individual or combinations of ingredients)
- Enhanced disclosure of ingredients to HHS and to public with adequate trade secret (brand formula) protection
- Brand-by-brand disclosure of tar, nicotine and carbon monoxide levels to public and HHS
- HHS study of ingredient safety with report to Congress by a date certain

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PRIVILEGED AND CONFIDENTIAL

A
(Optimistic Case)

Education

- Establishment of Center for Tobacco Products to coordinate HHS tobacco-related activities
- Grant money to states to assist in their tobacco-related activities (except counter-advertising)
- Grant money to establish smoke-free school facilities

B
(Likely Case)

Education

- Establishment of Center for Tobacco Products to coordinate HHS tobacco-related activities
- Grant money to states to assist in their tobacco-related activities (perhaps including modest, *i.e.*, under \$50 million, counter-advertising)
- Grant money to establish smoke-free school facilities

C
(Worst Case)

Education

- Establishment of Center for Tobacco Products to coordinate HHS tobacco-related activities
- Grant money to states to assist in their tobacco-related activities (perhaps including modest, *i.e.*, under \$50 million, counter-advertising)
- Grant money to establish smoke-free school facilities

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